REMARKS

Applicant is in receipt of the Office Action mailed June 28, 2007. Claims 1 and 14-27 have been amended. Claims 1-39 remain pending in the application.

Information Disclosure Statement:

Applicant notes that an information disclosure statement with accompanying Form PTO-1449 was submitted on August 16, 2004. Applicant notes that the Examiner did not initial Reference A6 listed on the Form PTO-1449. Applicant requests the Examiner to carefully consider all of the listed references and return a copy of the signed and fully initialed Form PTO-1449 from this statement.

Rejection Under 35 U.S.C. § 101:

Claims 17-26 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 14-26 have been amended to recite, in pertinent part, a "computer-readable storage medium." Support for the amendments to claims 14-26 may be found in Applicant's specification at least on page 63, lines 1-6. Applicant submits that claims 14-26 recite statutory subject matter and respectfully requests withdrawal of the § 101 rejection.

Rejections Under 35 U.S.C. § 103(a):

Claims 1, 2, 8-12, 14, 15, 24, 25, 27, 28, and 34-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos, et al. (U.S. Patent No. 6,347,342, hereinafter "Marcos") in view of Desai, et al. (U.S. Patent No. 6,948,000, hereinafter "Desai"). Claims 3, 4, 16, 17, 29, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Desai and further in view of Bookspan, et al. (U.S. Patent No. 6,629,129, hereinafter "Bookspan"). Claims 5, 18, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Desai and further in view of Gupta, et al. (U.S. Patent No. 7,222,156, hereinafter "Gupta"). Claims 6, 19, and

32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Desai and further in view of Puri, et al. (U.S. Patent No. 6,779,184, hereinafter "Puri"). Claims 7, 13, 20-23, 26, 33, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Desai and further in view of Husain, et al. (U.S. Patent Application Publication No. 2003/0120751, hereinafter "Husain"). Applicant respectfully traverses the rejections in light of the following remarks.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in the claims.

Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method comprising "the distributed computing infrastructure translating the message from an original format to a portable format on the first computer system, thereby generating a portable message" in combination with the remaining features of claim 1. The Office Action asserts that Marcos teaches these features in passages such as col. 7, lines 19-23 and col. 15, lines 27-35. In the cited passages, Marcos discloses that a mediating component 204 translates a message created by a client object "such that it can be understood by the server object" (col. 7, lines 19-23). However, Applicant can find no teaching or suggestion in Marcos that the message is generated from a source application on the first computer system and also translated from an original format to a portable format **on the same (i.e., first) computer system**. To the contrary, Marcos discloses that the mediating component 204 "can act as a bridge in a network environment such that an object in an object model can be distributed across different machines" and such that a server object on a first machine can service a message generated by a client object on a second machine (col. 6, lines 41-49). By making the mediating component that translates the message external to the client computer system that generates the message, Marcos appears to **teach away** from Applicant's claim 1.

Although arguments in the message may be translated "into the types that are expected by the server object," Marcos also states that "[t]here is no need to translate the message from one object model protocol to another since both client and server objects are using the same object model" (col. 15, lines 30-35). As noted above, Marcos discloses that a mediating component 204 translates a message created by a client object "such that it can be understood by the server object" (col. 7, lines 19-23). Marcos translates the message **only to meet the specific requirements of a specific destination server object**. Therefore, Applicant submits that Marcos does not teach or suggest that the message is translated **to a portable format**.

Furthermore, Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method "wherein the portable message comprises metadata which comprise identifying characteristics of the source application" in combination with the remaining features of claim 1. In again citing col. 15, lines 30-35 of Marcos, the Office Action asserts that because the object model protocol is not changed in the translation, the message retains the object model protocol which identifies the characteristics of the client. Nevertheless, because the **same object model** is used for both clients and servers in Marcos (col. 15, lines 30-35), Applicant cannot see how the use of the object model protocol (or any other element of Marcos) is equivalent to "metadata which comprise identifying characteristics of the source application."

Additionally, Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method comprising "the distributed computing infrastructure routing the portable message to a target application on the second computer system based on the metadata" in combination with the remaining features of claim 1. The Office Action asserts that this feature is disclosed by Marcos in col. 16, lines 42-50. In the cited passage, Marcos discloses that arguments in a message can be translated between datatypes in a Nextstep/Openstep environment and datatypes in a Windows/OLE environment. However, there is no teaching or suggestion

that any aspect of the Nextstep/Openstep or Windows/OLE environments provides metadata comprising identifying characteristics of the source application or otherwise provides a basis for routing a message to a target application. Therefore, Marcos does not teach or suggest that a portable message is routed to a target application based on metadata comprising identifying characteristics of the source application.

Therefore, Applicant respectfully submits that Marcos and Desai, taken individually or in combination, fail to teach or suggest numerous limitations of claim 1. Even assuming, *arguendo*, that all the limitations recited in the claims are taught or suggested by Marcos and Desai, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Marcos and Desai to produce the claimed invention. The Office Action argues that the combination of Marcos and Desai would have been obvious "because this provides greater bandwidth than the typical end-to-end feeder for connection between a home and the optical network unit." However, Appellants cannot find evidence of this motivation in either Marcos or Desai. Appellants respectfully submit that neither Marcos nor Desai provides a reason to combine the references to produce the limitations of claim 1.

For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 14, and 27 are patentably distinct from the cited references.

Claims 7, 13, 20-23, 26, 33, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcos in view of Desai and further in view of Husain, et al. (U.S. Patent Application Publication No. 2003/0120751). Applicant traverses this rejection for at least the reasons discussed above regarding the rejection of claim 1. Furthermore, Applicant submits that the Husain publication is disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the present application.

By virtue of its priority claim to a provisional application filed September 16, 2002, the effective filing date of the present application is **prior to** the publication date of

the Husain publication (June 26, 2003). Additionally, the present application and the Husain publication share the **same inventive entity** (Syed Mohammad Amir Husain, Todd John Enright, and Barry W. Thornton) and are commonly assigned. Therefore, the Husain publication does not qualify as prior art under 35 U.S.C. § 102(a) because it does not constitute knowledge or use **by others** and was not described in a printed publication **before** the invention of the present application. Furthermore, the Husain publication does not qualify as prior art under 35 U.S.C. § 102(b) because it was not published **more than one year prior** to the effective filing date of the present application. Additionally, the Husain publication does not qualify as prior art under 35 U.S.C. § 102(e) because it is not an application for patent **by another**. Similarly, the Husain publication also does not qualify as prior art under any of the other subsections of 35 U.S.C. § 102. Because the Husain publication does not qualify as prior art under any subsection of 35 U.S.C. § 102, Applicant submits that the Husain publication is disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the present application.

Applicant asserts that numerous others of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5602-11400/JCH.

Also filed herewith are the following items:
☐ Request for Continued Examination
☐ Terminal Disclaimer
☐ Power of Attorney By Assignee and Revocation of Previous Powers
☐ Notice of Change of Address
☐ Other:

Respectfully submitted,

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